

MEMORANDUM

Agenda Item No. 7(M)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 9-7-16)
June 21, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending Rules of
Procedure of the Board of
County Commissioners;
amending section 2-1 of the
Code; allowing any
Commissioner to require separate
vote for any part of mid-year and
end-of-year budget amendments;
requiring separate vote for
certain parts of mid-year and
end-of-year budget amendments

The accompanying ordinance was prepared and placed on the agenda at the request of Prime
Sponsor Commissioner Juan C. Zapata.


Abigail Price-Williams
County Attorney

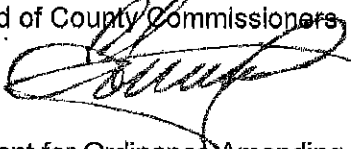
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Memorandum



Date: September 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

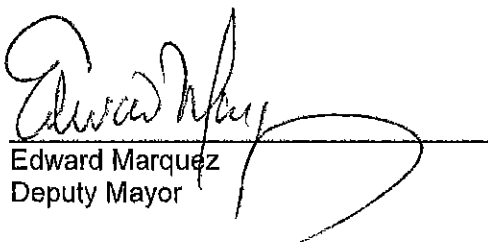
Subject: Fiscal Impact Statement for Ordinance Amending Section 2-1 of the County Code,
Rules of Procedures for the Board of County Commissioners

The proposed ordinance amends the section 2-1 of the Code of Miami Dade County specific to the Rules of Procedure of the Board of County Commissioners (Board) pertaining to budget amendments. Currently, the Board has the ability to segregate and vote via motion adjustments presented to the Board in the mid-year and end-of-year budget amendment items. This portion of the ordinance would codify current practice.

The ordinance also requires that a separate motion and vote be held if the recommended amendment to the budget requires the use of reserves. Most of the end-of-year general fund budget amendments include the use of the Wage, Separation, and Energy Reserve. This operating reserve is appropriated in the non-departmental portion of the General Fund budget, every fiscal year. Its purpose is to fund any separation/termination payouts and unforeseen energy expenses resulting from rate adjustments that were not in place at the time the departmental budgets were established. This avoids adding appropriation to departmental budgets for expenses that are difficult to predict. With the implementation of this ordinance, it is likely that a number of separate motions and votes will be required since many of the general fund supported departments require adjustments that are funded by the Wage, Separation, and Energy Reserve.

Lastly, the ordinance also requires a separate motion and vote when funding countywide expenses from the unincorporated municipal services area of the general fund budget. This does not occur as it would be in violation of Chapter 129.01 of the Florida State Statute, and is therefore unnecessary.

There is no fiscal impact with the implementation of this ordinance.


Edward Marquez
Deputy Mayor

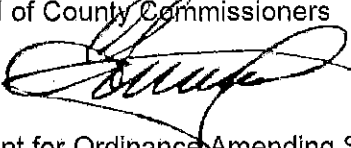
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Memorandum



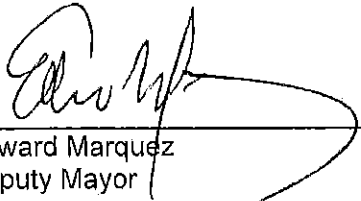
Date: September 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Amending Section 2-1 of the County Code,
Rules of Procedures for the Board of County Commissioners

The proposed ordinance amends the section 2-1 of the Code of Miami Dade County specific to the Rules of Procedure of the Board of County Commissioners (Board) pertaining to budget amendments. The proposed ordinance is not anticipated to have any measurable social equity benefit or burden.


Edward Marquez
Deputy Mayor

Fiscal07016SE 161399



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(M)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(M)
9-7-16

ORDINANCE NO. _____

ORDINANCE AMENDING RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING ANY COMMISSIONER TO REQUIRE SEPARATE VOTE FOR ANY PART OF MID-YEAR AND END-OF-YEAR BUDGET AMENDMENTS; REQUIRING SEPARATE VOTE FOR CERTAIN PARTS OF MID-YEAR AND END-OF-YEAR BUDGET AMENDMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

CHAPTER 2. ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION.

PART 1. GOVERNING RULES

* * *

PART 9. ADDITIONAL ORDINANCES PRESCRIBING COUNTY COMMISSION PROCEDURE

Rule 9.01. Annual budget.

(a) The mayor shall prepare and deliver a budgetary address

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

annually to the people of the county in March. Such address shall be prepared after consulting with the budget director and shall set forth the mayor's funding priorities for the county. By July 15, the mayor shall prepare and submit a proposed budget in a line item format pursuant to Section 2-1800 containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. Other formats, such as narrative, pie charts and graphs may also be used to supplement the line item format. The budget prepared and recommended by the mayor shall be presented by the mayor or his or her designee to the commission in a line item format pursuant to Section 2-1800 on or before the board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the board shall hold hearings on and adopt a budget on or before the dates required by law.

- (b) The Board shall adopt its proposed millage rates for use in the preparation of the truth in millage (TRIM) notice of proposed property taxes by separate resolution for each of the following rates:
- (1) Countywide General Fund;
 - (2) Unincorporated Municipal Service Area;
 - (3) Miami-Dade Fire and Rescue Service District for operating purposes;
 - (4) Miami-Dade Library System for operating purposes;
 - (5) Countywide bonded debt service; and
 - (6) Miami-Dade Fire and Rescue Service District bonded debt service.

The date, time, and place at which the annual public hearings are scheduled shall be approved by motion or set forth in a separate resolution adopted by the Board.

- (c) The Board shall adopt millage rates at the first and second budget hearing by a separate vote for each millage rate. The Board's adoption of each proposed millage rate at the first budget hearing and each final millage rate at the second budget hearing shall be by separate ordinance for each of the following millage rates:

- (1) Countywide General Fund;
 - (2) Unincorporated Municipal Service Area;
 - (3) Miami-Dade Fire and Rescue Service District millage for operating purposes;
 - (4) Miami-Dade Library System millage for operating purposes;
 - (5) Countywide bonded debt service; and
 - (6) Miami-Dade Fire and Rescue Service District bonded debt service.
- (d) At the first budget hearing, a separate motion and vote on any part of the proposed budget shall be held upon the request of any Commissioner. In addition, a separate motion and vote shall be held on any amendment to the Mayor's proposed budget that:
- (1) Addresses an issue raised by a Commissioner at a Committee of the Whole meeting held in conjunction with the budget approval process, including a request by a Commissioner to propose or recommend funding alternatives for the Board's consideration;
 - (2) Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or
 - (3) Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.

If any of the foregoing amendments are recommended or provided by the County Mayor, such amendments shall be set forth in detail in a separate section of the Mayor's memorandum relating to information for the first budget hearing (the "First Changes Memorandum").

The Commission Auditor shall prepare and maintain a list of all issues raised in conjunction with the budget approval process as set forth in subsection (d)(1) above. The Commission Auditor shall distribute such list to each member of the Board no later than forty-eight (48) hours prior to the scheduled commencement of the first budget hearing.

After a separate vote on each proposed amendment but before the Board's adoption of each ordinance adopting a tentative millage rate, the Mayor or the Mayor's designee shall, for each such ordinance, recompute the tentative millage rate, and publicly announce the name of the taxing authority, the rolled back rate, the percent, if any, by which the recomputed tentative millage rate exceeds the rolled-back rate, and the tentative millage rate to be levied. The tentative budget ordinances shall be adopted by separate vote after the tentative millage rate ordinances are adopted.

- (e) At the second budget hearing, a separate motion and vote on any part of the proposed budget shall be held upon the request of any Commissioner. In addition, a separate motion and vote shall be held on any amendment to the Mayor's proposed budget that:
 - (1) Addresses an issue raised by a Commissioner at a Committee of the Whole meeting held in conjunction with the budget approval process, including a request by a Commissioner to propose or recommend funding alternatives for the Board's consideration;
 - (2) Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or
 - (3) Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.

If any of the foregoing amendments are recommended or provided by the County Mayor, such amendments shall be set forth in detail in a separate section of the Mayor's memorandum relating to information for the second budget hearing (the "Second Changes Memorandum").

The Commission Auditor shall prepare and maintain a list of all issues raised in conjunction with the budget approval process as set forth in subsection (e)(1) above. The Commission Auditor shall distribute such list to each member of the Board no later than forty-eight (48) hours prior to the scheduled commencement of the second budget hearing.

After a separate vote on each proposed amendment but before the Board's adoption of each ordinance adopting a final millage rate, the Mayor or the Mayor's designee shall, for each such ordinance, recompute the final millage rate, and publicly announce the name of the taxing authority, the rolled back rate, the percent, if any, by which the recomputed final millage rate exceeds the rolled-back rate, and the final millage rate to be levied. The final budget ordinances shall be adopted by separate vote after the final millage rate ordinances are adopted.

- (f) The Mayor shall distribute the First Changes Memorandum and the Second Changes Memorandum to each member of the Board and shall post a copy thereof on the County's website no later than forty-eight (48) hours prior to the scheduled commencement of the first and second budget hearings, respectively.
- (g) >>For all mid-year and end-of-year budget amendments, a separate motion and vote on any part of the proposed budget amendment shall be held upon the request of any Commissioner. In addition, a separate motion and vote shall be held on any part of the proposed budget amendment that:
 - (1) Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or
 - (2) Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.
- (h)<< This ordinance shall be construed as directory only, and failure to comply with the provisions of this ordinance shall not affect the validity of any ordinance, resolution or action of the Board in whole or in part.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

JMM/EPW

Prepared by:

MBV

Michael B. Valdes

Prime Sponsor: Commissioner Juan C. Zapata